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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 06-3731-GHK (JTLx) Date October 19, 2010  
Title *Jim Brown, et al. v. Brett C. Brewer, et al.*

Presiding: The Honorable

GEORGE H. KING, U. S. DISTRICT JUDGE

Beatrice Herrera	N/A	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

None

Attorneys Present for Defendants:

None

Proceedings: **(In Chambers) Order re:** Defendants' Motion to Dismiss Brad Greenspan; [302]

This matter is before the Court on Defendants Brett Brewer, Daniel Mosher, Lawrence Moreau, Richard Rosenblatt, James Quandt, William Woodward, Andrew Sheehan, and David Carlick (collectively, "Defendants") Motion to Dismiss the Breach of Fiduciary Duty, § 14(A), and § 20(A) Claims as to Plaintiff Brad Greenspan ("Motion") filed on August 10, 2010. Plaintiff Brad Greenspan ("Greenspan") failed to file any opposition to this Motion. On October 4, 2010, Defendants filed a Notice of Greenspan's Non-Opposition to Motion to Dismiss and Request for Ruling. We have considered the papers filed in support of this Motion, and deem this matter appropriate for resolution without oral argument. L.R. 7-15.

Local Rule 7-12 provides:

**Failure to File Required Papers.** The Court may decline to consider any memorandum or other paper not filed within the deadline set by order or local rule. The failure to file any required paper, or the failure to file it within the deadline, may be deemed consent to the granting or denial of the motion.

Defendant's Motion was originally set for hearing on October 4, 2010, and Greenspan would have been required to file any opposition by September 13, 2010. After allowing his counsel to withdraw, we granted Greenspan an extra two weeks to file an opposition, until September 27, 2010. The deadline for a timely opposition to this Motion has passed, and Greenspan has failed to file an opposition. *See* L.R. 7-9. Nor has Greenspan properly requested an extension to the September 27, 2010 deadline to file an opposition to the Motion. Although Greenspan did contact the Court Clerk via telephone, the Clerk made clear that any request must be in writing. Another three weeks have elapsed since the September 27 deadline, and Greenspan has filed neither any opposition nor a written request for an extension of time to file his opposition. Thus, pursuant to L.R. 7-12, Greenspan's failure to file an opposition is deemed his non-opposition to Defendants' Motion and his consent to the granting of the relief sought. *See also Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995). We have also considered

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the arguments contained in Defendants' moving papers and conclude that they support granting the Motion as well.

In light of the foregoing discussion, Defendants' Motion is hereby **GRANTED**, and Plaintiff Greenspan is **DISMISSED** from this action.

**IT IS SO ORDERED.**

Initials of Deputy Clerk

Bea